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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,258	01/04/2006	Takeshi Iwatsu	277188US6PCT	9948

22850   7590   07/29/2009
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EXAMINER
HOANG, SON T

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
07/29/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/563,258	IWATSU ET AL.
	Examiner	Art Unit	
	SON T. HOANG	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 May 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6,10-15,19-22 and 24-30</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-6,10-15,19-22 and 24-30</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>04 January 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All   b) ☐ Some *   c) ☐ None of:
   1. ☒ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21,

2009 has been entered.

Response to Amendment

2.   **Claims 7**-**9**, **16**-**18**, **23**, and **31** are canceled.

       Claims 1, **10**, **19**, and **24** are amended.

       Claims 1-**6**, **10**-**15**, **19**-**22**, and **24**-**30** are pending.

Response to Arguments

3.   Applicant's argument towards the 35 U.S.C. 103(a) rejections of **claims 1**, **10**,

19, and **24** have been fully considered but are moot in view of the new ground of

rejections presented hereon.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1**-**6**, **10**-**15**, **19**-**22**, and **24**-**30** are rejected under 35 U.S.C. 103(a) as

being unpatentable over by Yuji (*Pub. No. JP 2003-173278, published on June 20,*

2003) in view of Eide et al. (*Pat. No. US 6,243,774, published on June 5, 2001;*

hereinafter Eide).

Regarding **claim 1**, Yuji clearly shows and discloses a data storage control

apparatus ([0018]-[0022]), comprising:

data attribution detection means for detecting attribution of storing-target data

(*The data is passed to the filer section. Out of the passed data, the filer section*

identifies expiration date information, significance information and classification

information, [0022]);

determination means for determining whether or not the storage of said data is to

be performed based on the attribution of said data detected by said data attribution

detection means (*When having passed over the expiration date, (Y) cancels received*

data (it does not record) and is completed, [0022]);

data deletion means for deleting data having higher deletion-target priority than

others from among a plurality of stored data, if said determination means determines

that the storage of said data is to be performed and a storage medium for storing said

data runs out of space (*The record control section records the information received from*

the filter section on a recording device. Here, when the capacity of a recording device is

full, the data considered to be the most unnecessary are eliminated in order, judging

from significance, classification, information, an expiration date ... Moreover, the record

*control section eliminates automatically the information which has passed over the
expiration date in the recorded information*, [0019]); and

data storage means for storing said storing-target data in said storage medium
after said data deletion means deletes data having higher said deletion-target priority
(*When the capacity of a recording device is full, the data considered to be the most
unnecessary are eliminated in order, judging from significance, classification
information, an expiration date, etc., and the information received newly is recorded*,
[0019]).

Yuji does not disclose copying data from an external storage medium, and
setting deletion-target priority of said data to high for all data with attribution of said data
showing that said data is content copied from a compact disk.

However, Eide teaches copying data from an external storage medium, and
setting deletion-target priority of said data to high for all data with attribution of said data
showing that said data is content copied from a compact disk (*whenever information
such as program code is to be executed by the processor, that information is copied
from an external storage device such as device 314 to main storage 304 so that it can
be accessed by the processor. Similarly, if such information is no longer being used,
and other information is needed, the unused information is often discarded or copied
back into the external storage device to make room for the new information*, [Column
19, Lines 21-28]. *External storage device 314 may include practically any form of mass
storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy*

drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically

housed in the same housing as the processing complex, [Column 18, Lines 47-53]).

It would have been obvious to an ordinary person skilled in the art at the time of

the invention was made to incorporate the teachings of <u>Eide</u> with the teachings of <u>Yuji</u>

for the purpose of managing computer resources each facilitate concurrent

maintenance operations by automatically re-associating existing resources in a

computer, when suitable, with appropriate hardware devices installed into the computer

after a concurrent maintenance operation has been performed ([Abstract] of <u>Eide</u>).

Regarding **claim 2**, <u>Yuji</u> further discloses said data attribution detection means

detects attribution of said data based on applications which request the storage of said

data (*A sending set transmits the data of a gestalt which the inverter changed and*

which can be distributed with a broadcasting mold, [0018]).

Regarding **claim 3**, <u>Yuji</u> further discloses said data attribution detection means

extracts data attribution information which said data contains to detect attribution of said

data (*The data is passed to the filer section. Out of the passed data, the filer section*

identifies expiration date information, significance information and classification

information, [0022]).

Regarding **claims 4**, and **6**, <u>Yuji</u> further discloses the determination means

determines the storage of said data is to be performed, if attribution of said data shows

that said data is information relating to broadcast contents or said data is broadcast

content data (*When it is judged that earthquake information, a heavy rain warning, etc.*

are important for a user as for the classification information which shows the

classification of the contents whose information the and it will change into the data of a

gestalt which can be distributed, [0018]. *Since the information which can judge when*

informational important point or needlessness data are received, hence, does not record

unnecessary information, [0029]).

Regarding **claim 5**, <u>Yuji</u> further discloses the determination means determines

the storage of said data is to be performed, if attribution of said data shows that said

data is now-on-air information including title information of broadcast contents

(*Classification information of the important information, i.e., earthquake information, a*

heavy rain warning etc. may be added with the category information which subdivided

an informational classification further, [0018]. *It is inherent that classification and/or*

category information contains title of the important news / information).

Regarding **claim 10**, <u>Yuji</u> clearly shows and discloses a data storage control

method ([0018]-[0022]), comprising the steps of:

detecting attribution of storing-target data (*The data is passed to the filer section.*

Out of the passed data, the filer section identifies expiration date information,

significance information and classification information, [0022]);

determining whether or not the storage of said data is to be performed based on

the attribution of said data detected by said detecting (*When having passed over the*

expiration date, (Y) cancels received data (it does not record) and is completed, [0022]);

deleting data having higher deletion-target priority than others from among a

plurality of stored data, if said determination step determines that the storage of said

data is to be performed and a storage medium for storing said data runs out of space

(*The record control section records the information received from the filter section on a*

recording device. Here, when the capacity of a recording device is full, the data

considered to be the most unnecessary are eliminated in order, judging from

significance, classification, information, an expiration date … Moreover, the record

control section eliminates automatically the information which has passed over the

expiration date in the recorded information, [0019]); and

storing said storing-target data in said storage medium after said data deletion

step deletes data having higher said deletion-target priority (*When the capacity of a*

recording device is full, the data considered to be the most unnecessary are eliminated

in order, judging from significance, classification information, an expiration date, etc.,

and the information received newly is recorded, [0019]).

Yuji does not disclose copying data from an external storage medium, and

setting deletion-target priority of said data to high for all data with attribution of said data

showing that said data is content copied from a compact disk

However, Eide teaches copying data from an external storage medium, and

setting deletion-target priority of said data to high for all data with attribution of said data

showing that said data is content copied from a compact disk (*whenever information*

such as program code is to be executed by the processor, that information is copied

from an external storage device such as device 314 to main storage 304 so that it can

be accessed by the processor. Similarly, if such information is no longer being used,

and other information is needed, the unused information is often discarded or copied

back into the external storage device to make room for the new information, [Column 19, Lines 21-28]. *External storage device 314 may include practically any form of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically housed in the same housing as the processing complex*, [Column 18, Lines 47-53]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Eide with the teachings of Yuji for the purpose of managing computer resources each facilitate concurrent maintenance operations by automatically re-associating existing resources in a computer, when suitable, with appropriate hardware devices installed into the computer after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 11**, Yuji further discloses attribution of said data is detected based on applications which request the storage of said data, at said detecting (*A sending set transmits the data of a gestalt which the inverter changed and which can be distributed with a broadcasting mold*, [0018]).

Regarding **claim 12**, Yuji further discloses attribution of said data is detected by extracting data attribution information which said data contains, at said detecting (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information*, [0022]).

Regarding **claims 13**, and **15**, Yuji further discloses it is determined that the storage of said data is to be performed, if attribution of said data shows that said data is information relating to broadcast contents or said data is broadcast content data, at said determining (*When it is judged that earthquake information, a heavy rain warning, etc. are important for a user as for the classification information which shows the classification of the contents whose information the and it will change into the data of a gestalt which can be distributed*, [0018]. *Since the information which can judge when informational important point or needlessness data are received, hence, does not record unnecessary information*, [0029]).

Regarding **claim 14**, Yuji further discloses it is determined that the storage of said data is to be performed, if attribution of said data shows that said data is now-on-air information including title information of broadcast contents, at said determining (*Classification information of the important information, i.e., earthquake information, a heavy rain warning etc. may be added with the category information which subdivided an informational classification further*, [0018]. *It is inherent that classification and/or category information contains title of the important news / information*).

Regarding **claim 19**, Yuji clearly shows and discloses a computer readable medium including computer executable instructions, wherein the instructions, when executed by a processor (*Figure 1*), cause the processor to perform a method comprising:

detecting step of detecting attribution of storing-target data (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information*, [0022]);

determining whether or not the storage of said data is to be performed based on the attribution of said data detected by said detecting (*When having passed over the expiration date, (Y) cancels received data (it does not record) and is completed*, [0022]);

deleting data having higher deletion-target priority than others from among a plurality of stored data, if said determination step determines that the storage of said data is to be performed and a storage medium for storing said data runs out of space, said deletion-target priority being determined based on attribution of said plurality of stored data (*The record control section records the information received from the filter section on a recording device. Here, when the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification, information, an expiration date ... Moreover, the record control section eliminates automatically the information which has passed over the expiration date in the recorded information*, [0019]); and

storing said storing-target data in said storage medium after said data deletion step deletes data having higher said deletion-target priority (*When the capacity of a recording device is full, the data considered to be the most unnecessary are eliminated in order, judging from significance, classification information, an expiration date, etc., and the information received newly is recorded*, [0019]).

Yuji does not disclose copying data from an external storage medium, and

setting deletion-target priority of said data to high for all data with attribution of said data

showing that said data is content copied from a compact disk.

However, Eide teaches copying data from an external storage medium, and

setting deletion-target priority of said data to high for all data with attribution of said data

showing that said data is content copied from a compact disk (*whenever information*

such as program code is to be executed by the processor, that information is copied

from an external storage device such as device 314 to main storage 304 so that it can

be accessed by the processor. Similarly, if such information is no longer being used,

and other information is needed, the unused information is often discarded or copied

back into the external storage device to make room for the new information, [Column

19, Lines 21-28]. *External storage device 314 may include practically any form of mass*

storage device, e.g., a direct access storage device (DASD), an optical drive, a floppy

drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is physically

housed in the same housing as the processing complex, [Column 18, Lines 47-53]).

It would have been obvious to an ordinary person skilled in the art at the time of

the invention was made to incorporate the teachings of Eide with the teachings of Yuji

for the purpose of managing computer resources each facilitate concurrent

maintenance operations by automatically re-associating existing resources in a

computer, when suitable, with appropriate hardware devices installed into the computer

after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 20**, Yuji further discloses attribution of said data is detected

based on applications which request the storage of said data, at said detecting (*A*

sending set transmits the data of a gestalt which the inverter changed and which can be

distributed with a broadcasting mold, [0018]).

Regarding **claim 21**, Yuji further discloses attribution of said data is detected by

extracting data attribution information which said data contains, at said detecting (*The*

data is passed to the filer section. Out of the passed data, the filer section identifies

expiration date information, significance information and classification information,

[0022]).

Regarding **claim 22**, Yuji further discloses a data storage control program,

wherein it is determined that the storage of said data is to be performed, if attribution of

said data shows that said data is related information relating to broadcast contents, at

said determining (*When it is judged that earthquake information, a heavy rain warning,*

etc. are important for a user as for the classification information which shows the

classification of the contents whose information the and it will change into the data of a

gestalt which can be distributed, [0018]. *Since the information which can judge when*

informational important point or needlessness data are received, hence, does not record

unnecessary information, [0029]).

Regarding **claim 24**, Yuji clearly shows and discloses a data storage control

apparatus ([0018]-[0022]), comprising:

data attribution detection unit configured to detect attribution of storing-target

data (*The data is passed to the filer section. Out of the passed data, the filer section*

identifies expiration date information, significance information and classification

information, [0022]);

determination means for determining whether or not the storage of said data is to

be performed based on the attribution of said data detected by said data attribution

detection means (*When having passed over the expiration date, (Y) cancels received*

data (it does not record) and is completed, [0022]);

data deletion unit configured to delete data having higher deletion-target priority

than others from among a plurality of stored data, if said determination means

determines that the storage of said data is to be performed and a storage medium for

storing said data runs out of space, said deletion-target priority being determined based

on attribution of said plurality of stored data (*The record control section records the*

information received from the filter section on a recording device. Here, when the

capacity of a recording device is full, the data considered to be the most unnecessary

are eliminated in order, judging from significance, classification, information, an

expiration date ... Moreover, the record control section eliminates automatically the

information which has passed over the expiration date in the recorded information,

[0019]), and

data storage unit configured to store said storing-target data in said storage

medium after said data deletion means deletes data having higher said deletion-target

priority (*When the capacity of a recording device is full, the data considered to be the*

most unnecessary are eliminated in order, judging from significance, classification

information, an expiration date, etc., and the information received newly is recorded,

[0019]).

Yuji does not disclose copying data from an external storage medium, and

setting deletion-target priority of said data to high for all data with attribution of said data

showing that said data is content copied from a compact disk.

However, Eide teaches copying data from an external storage medium, and

setting deletion-target priority of said data to high for all data with attribution of said data

showing that said data is content copied from the external storage medium (*whenever*

information such as program code is to be executed by the processor, that information

is copied from an external storage device such as device 314 to main storage 304 so

that it can be accessed by the processor. Similarly, if such information is no longer

being used, and other information is needed, the unused information is often discarded

or copied back into the external storage device to make room for the new information,

[Column 19, Lines 21-28]. *External storage device 314 may include practically any form*

of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a

floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is

physically housed in the same housing as the processing complex, [Column 18, Lines

47-53]).

It would have been obvious to an ordinary person skilled in the art at the time of

the invention was made to incorporate the teachings of Eide with the teachings of Yuji

for the purpose of managing computer resources each facilitate concurrent

maintenance operations by automatically re-associating existing resources in a computer, when suitable, with appropriate hardware devices installed into the computer after a concurrent maintenance operation has been performed ([Abstract] of Eide).

Regarding **claim 25**, Yuji further discloses said data attribution detection unit is configured to detect attribution of said data based on applications which request the storage of said data (*A sending set transmits the data of a gestalt which the inverter changed and which can be distributed with a broadcasting mold*, [0018]).

Regarding **claim 26**, Yuji further discloses said data attribution detection unit is configured to extract data attribution information which said data contains to detect attribution of said data (*The data is passed to the filer section. Out of the passed data, the filer section identifies expiration date information, significance information and classification information*, [0022]).

Regarding **claims 27**, and **29**, Yuji further discloses the determination unit is configured to determine the storage of said data is to be performed, if attribution of said data shows that said data is information relating to broadcast contents or said data is broadcast content data (*When it is judged that earthquake information, a heavy rain warning, etc. are important for a user as for the classification information which shows the classification of the contents whose information the and it will change into the data of a gestalt which can be distributed*, [0018]. *Since the information which can judge when informational important point or needlessness data are received, hence, does not record unnecessary information*, [0029]).

Regarding **claim 28**, Yuji further discloses the determination unit is configured to
determine the storage of said data is to be performed, if attribution of said data shows
that said data is now-on-air information including title information of broadcast contents
(*Classification information of the important information, i.e., earthquake information, a
heavy rain warning etc. may be added with the category information which subdivided
an informational classification further*, [0018]. *It is inherent that classification and/or
category information contains title of the important news / information*).

Regarding **claim 30**, Eide further discloses if attribution of said data shows that
said data is information relating to compact discs, said data deletion means determines
that said deletion-target priority of said data is high to delete said data (*whenever
information such as program code is to be executed by the processor, that information
is copied from an external storage device such as device 314 to main storage 304 so
that it can be accessed by the processor. Similarly, if such information is no longer
being used, and other information is needed, the unused information is often discarded
or copied back into the external storage device to make room for the new information*,
[Column 19, Lines 21-28]. *External storage device 314 may include practically any form
of mass storage device, e.g., a direct access storage device (DASD), an optical drive, a
floppy drive, a hard disk drive, and/or a tape drive, etc., irrespective of whether it is
physically housed in the same housing as the processing complex*, [Column 18, Lines
47-53]).

Conclusion

6.   These following prior arts made of record and not relied upon are considered

pertinent to Applicant's disclosure:

Furuya (*Pat. No. US 6,628,936*) teaches communication terminal device.

Borland (*Pat. No. US 6,320,943*) teaches electronic directory system and

method.

Sato et al. (*Pat. No. US 7,103,369*) teaches system and method for obtaining

content relating to a predicted location of a terminal apparatus.

The Examiner requests, in response to this Office action, support(s) must be

shown for language added to any original claims on amendment and any new claims.

That is, indicate support for newly added claim language by specifically pointing to

page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the

Examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the

patentable novelty which he or she thinks the claims present, in view of the state of the

art disclosed by the references cited or the objections made. He or she must also show

how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-

1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S.T.H./
Examiner, Art Unit 2165
July 21, 2009

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165